

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A617.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new detached dwelling proposing:

1. An exterior side yard of 4.89m (approx. 16.04ft) whereas By-law 0225-2007, as amended, permits a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback of 5.36m (approx. 17.59ft) whereas By-law 0225-2007, as amended, permits a minimum front yard setback of 5.55m (approx. 18.21ft) in this instance;
3. A dwelling depth of 21.31m (approx. 4916.09ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. A gross floor area (infill residential) of 456.72sq m (approx. 16.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 402.00 sq m (approx. 4327.09sq ft) in this instance; and
5. A height of eaves of 6.92m (approx. 22.70ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 6.40m (approx. 21.00ft) in this instance.

Amendments

The Building Department is processing Building Permit application 24-4111. Based on review of the information available in this application, Zoning staff advise that variances #1, 3 & 5 are correct, and following amendments are required:

2. A front yard setback to the eaves of 5.36m (approx. 17.59ft) whereas By-law 0225-2007, as amended, permits a minimum front yard setback to the eaves of 5.55m (approx. 18.21ft) in this instance;

Background

Property Address: 1217 Lakebreeze Dr

Mississauga Official Plan

Character Area: Mineola Neighborhood
Designation: Residential Low Density II

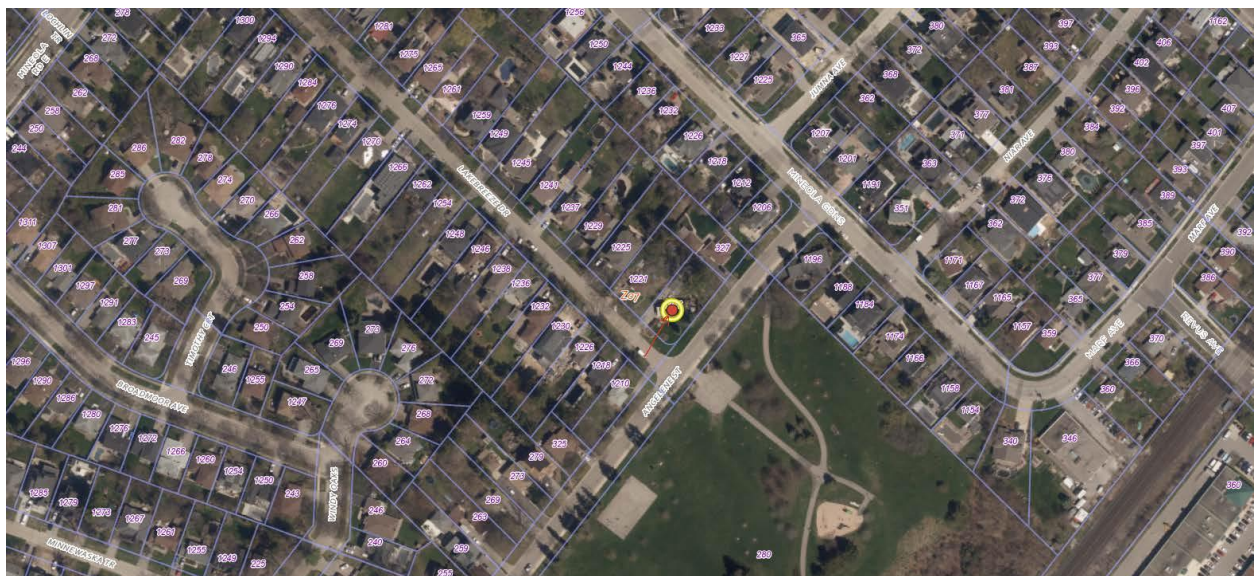
Zoning By-law 0225-2007

Zoning: R3-1
Other Applications: Building Permit application 24-4111

Site and Area Context

The subject property is located within the Mineola Park Neighbourhood Character Area, south of Mineola Road East and east of Hurontario Street. The immediate neighbourhood is entirely residential, consisting of large one and two storey detached dwellings with significant mature vegetation. The subject property contains an existing one-storey detached dwelling with a detached garage along with mature vegetation in the front yard.

The applicant is proposing a new detached dwelling requiring variances for exterior side yard setback, front yard setback, dwelling depth, gross floor area and eave height.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low-Density II designation permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low-rise dwellings with individual frontages. Section 16.18.1 of the Mineola Neighbourhood Character policies note that new housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours with respect to overshadowing and overlook. The proposed detached dwelling is compatible with the surrounding context and will not negatively impact the streetscape. As such, Staff are of the opinion that the proposed dwelling conforms to the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 requests relief from the exterior side yard setback regulations. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties and the public realm, that access to the rear yard remains unencumbered, and that appropriate drainage patterns can be maintained. Staff note the setback is only measured to a planter. The dwelling design is staggered on the exterior side and maintains a setback varying from 5.58m (18.3ft) to 6.10m (20ft). Through a review, planning staff are satisfied that the proposed side yard is appropriate and maintains a sufficient buffer to the neighbouring properties and to the public realm.

Variance #2, as amended, requests a decrease in the front yard setback measured to the eaves. The intent of a front yard setback is to ensure that eaves are sufficiently setback from all property lines. Staff note that the requested variance represents a minor deviation from the zoning by-law requirements. Further, the dwelling meets the front yard requirements, and the setback relief is required only for the eaves. Staff are satisfied that there is no massing concerns associated with the eaves.

Variance #3 requests an increase in the dwelling depth. The intent of the zoning by-law in regulating the dwelling depth is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing. Staff note the dwelling design is staggered and a major

portion of which maintains a depth of 20.45m (67ft). Staff are of the opinion that the request will not create any impact on adjoining properties.

Variance #4 pertains to gross floor area (GFA). Staff have received confirmation from the applicant's agent via an email dated January 22, 2025, that a GFA of 456.72m² (4908ft²) is required. Additionally, the agent has confirmed that the amendment to the GFA suggested by Zoning staff is not required at this time. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. Staff are of the opinion that the proposed dwelling is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character. Staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings and that the proposed increase is appropriate in this instance.

Variance #5 is regarding eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are of the opinion that the increase in eave height is minor in nature in this instance. The incorporation of architectural features like varying rooflines and windows in the dwelling's design further mitigates any impacts of. Staff are satisfied that the proposed increase in height is appropriate for the subject property and note that no overall height variance is required.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal does not pose massing concerns on abutting properties. Staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed by our Development Construction Section through Building Permit BP 9NEW-24/4111.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-4111. Based on review of the information available in this application, we advise that variances #1, 3 & 5 are correct, and following amendments are required:

2. A front yard setback to the eaves of 5.36m (approx. 17.59ft) whereas By-law 0225-2007, as amended, permits a minimum front yard setback to the eaves of 5.55m (approx. 18.21ft) in this instance;
4. A gross floor area (infill residential) of 465.35sq m whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 402.00 sq m (approx. 4327.09sq ft) in this instance;

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1217 Lakebreeze Drive to allow the construction of a new two-storey dwelling (the existing unit will be demolished), as circulated on January 9th, 2025, and to be heard at Public Hearing on February 13th, 2025, at 1:00 PM.

Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m, adjacent to, the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:

• **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review